IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 34445 of 2007(A)

PETITIONER:

V.RADHAMONY, AMALGAMATED SUB REGISTRAR (RETIRED), GEETHANJALI, AMBALATHARA, POONTHURA P.O., THIRUVANANTHAPURAM - 659 026.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, TAXES DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE INSPECTOR GENERAL OF REGISTRATION, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.34445 of 2007 A

Dated this the 22nd day of November, 2007.

JUDGMENT

Petitioner retired from the Registration Department as Sub Registrar on 31.8.2005. Prior to her retirement, she was suspended on 1.1.2003 in connection with a vigilance case and was later reinstated with effect from 25.9.2003. By Government order dated 19.10.2005, the disciplinary action initiated against her was dropped and subsequently by order dated 9.04.2007, the period of suspension was regularized for all purposes except as regards salary which was limited to the subsistence allowance. According to the petitioner, the delay in finalizing the departmental proceedings against her resulted in her losing a chance for being promoted to the post of Deputy Registrar in the higher time scale of pay and further promotion to Deputy Registrar. She refers to the fact that several of her juniors in the post of Sub Registrar were promoted as Deputy Registrars in the meanwhile. She also refers to 4 among them being further promoted as District Registrar. All the promotions, according to her, were ordered on a date when she was in service and petitioner was

excluded from consideration for the reason that Government had not passed final orders in the departmental proceedings. Notwithstanding the retirement of the petitioner, if the departmental proceedings is finalized finding that she is not guilty, he will be entitled to consequential reliefs. Petitioner's claim is contained in Ext.P13 pending before the Government.

After hearing the learned counsel for the petitioner and the learned Government Pleader, the writ petition is disposed of directing the first respondent to consider the petitioner's case in Ext.P13 and take an appropriate decision thereon. If the petitioner's claim is found to be genuine, suitable consequential reliefs as regards her notional promotion shall be given to her. Needful shall be done within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
(V.GIRI)
JUDGE

sk/

//true copy//

P.S. To Judge